was nothing in the legislative measures hitherto passed to prejudicially affect their religion, still the community felt that, to adequately safe-guard their interests, one from amongst them should occupy a seat in the Council. He prayed that the request of the community might be favourably considered.

Dewan's reply.—Noted.

22. The necessity for a change in the law regarding Kandukrishi lands.

Mr. K. C. Madhavan Pillai (Member, Ambalapuzha taluk) said that the law and rules now in force in respect of *Kandukrishi* lands were the following, *viz.*,

(1) The *Kandukrishi* lands were the crown lands or the home-farm of the Sovereign.

(2) The tenants were essentially tenants-at-will and the lands were at any time resumable at the pleasure of the Government.

(3) The tenants should never alienate the lands for consideration.

(4) No Civil Court should take cognizance of any suit relating to a *Kandukrishi* land, or to any benefit arising out of such land, unless the plaint was accompanied by an order of the Government permitting the plaintiff to seek redress in the Civil Court.

(5) The tax or *pattom* on the lands shoud be paid in kind. Of the above, 1 to 3 and 5 were in the nature of rules (page 74 of Mr. Krishna Row's Revenue Handbook), while point 4 was part of the statute (Section 7 A of the Code of Civil Procedure).

The Member said that it was not his intention to propose anything which would in any way minimise the right of the Sovereign over the lands or the income derived from them. Originally, the lands were cultivated by the Sovereign nimself by advancing the seed and hire for such cultivation to the tenants. But as it was found inconvenient and disadvantageous to the Government, the grain-rent alone was collected from the cultivators, the *pattom* being fixed at the maximum possible, including even such items as *kolulabhom* and *kudavila*. The Government were also recognising the alienations of the rights of the tenants, and pattas were accordingly granted to the actual occupants at the Settlement. Permission to institute civil suits for the recovery of the *pattom* from the defaulting holders was also freely granted to the applicants, of course without prejudice to Sirkar interests. Things went on smoothly till about ten years back. Subsequent to the Settlement, however, a change was noticeable in the attitude of the Government and the *Kandukrishi* authorities towards the *Kandukrishi* ryots. The law and rules began to be interpreted in all ways calculated to prejudice the ryots. Conflicting orders were issued by the Government in individual cases. Some alienations were recognised, while others were disregarded, on no understandable principle. As a result of the Member's representation in the Fifth Session, Huzur order No. L. R. 4320, dated 25th May 1911, came to be issued. But he had to point out with reluctance that, even subsequent to that G. O., the orders issued by the Government were not consistent. While ordinary mortgages were recognised in some cases and permission to file civil suits granted, *outright sales* were refused recognition and permission declined in other cases. He invited a kind reference to Huzur orders No. 6276, dated Karkadagom 1086, No. 2977, dated the 19th March 1913, No. 5107, dated the 13th May 1913 and Nos. 5377, 5378 and 5384, dated the 19th May 1913, as instances in point. He therefore requested (1) that all mortgages and sales of *Kandukrishi* lands made up to date should be recognised in accordance with G. O. No. 4320, dated the 25th May 1911, and (2) that a law should be passed declaring that alienations by lessees of such lands would not, under any circumstances, be recognised by the Government and that the *Kandukrishi* authorities should not also accept payment of rent from the lessees in any case.

The Member next argued that there was no justification for insisting, by Section 7A of the Civil Procedure Code, on the sanction of the Government being taken for instituting civil suits in respect of *Kandukrishi* lands. If the idea was to

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prevent unnecessary suits against the Government in regard to *Kandukrishi* lands and the *pattom* thereon, then it was very unjust that the plaintiff should be required to take the sanction of the defendant (Sirkar) for suing the latter. No defendant would accord such sanction. If, on the other hand, the object was to safe-guard the interests of the Government, then also the sanction was needless. For, in suits between two private parties, whatever might be stated in the decrees, it would not and could not bind the Sirkar, as they were no party to the suits. The hardships caused to the ryots by the refusal of sanction and by the grant of sanction after the suit was time-barred were very great. The High Court had ruled in T. L. R. XXII, 1, that the sanction of the Government was not required in suits between two private parties. As there was therefore no necessity or justification for the retention of Section 7 A in the Codee, the Member prayed that it should be expunged.

Dewan's reply.—The Division Peishkars will be asked to report if the provision of the law, referred to, can be cancelled, without any prejudice to the interests of the Government.

23. The necessity for legislation regarding inheritance in the Eazhava community.

Mr. C. Krishnan Vydian (Member, Nominated) said that, among the Eazhavas, there were about 3,00,000 Marumakkathayees, 15,000 Makkathayees and 2,900 people who followed a mixed law of inheritance scattered all over the State. The necessity for a law of inheritance common to all classes of Eazhavas was keenly felt and the absence of such a law was detrimental to the progress and prosperity of the community. Among the Eazhavas, the marriage relationship was more or less akin to that of the Makkathayees. The attachment of the wife towards the husband, her attention to the management of the household and the property of her husband during his absence would all go to show that the Makkathayam law of inheritance would likely be preferred by the community to the Marumakkathayam law. But, on that point, it was necessary to ascertain the concensus of opinion of the community. The Member requested that a Commission might be appointed, similar to the one appointed for the Christians or for the Nanjanad Vellalas, to investigate the question and submit a comprehensive report; or that the S. N. D. P. Yogam at Trivandrum might be authorised to draw up a draft law to regulate the inheritance in the community in accordance with the views of the majority. If that was not feasible, the Nair Regulation might be adapted to suit the needs of the community. The original draft Nair Bill was wide enough to include the Eazhavas within its scope; and if it had been passed in that form, there would have been no occasion for the present cry. He therefore prayed that the Government might be pleased to take early action on any of the lines indicated above. He added that a memorial on the subject had been submitted to the Government by the Eazhava Members of the last Assembly but he regretted to say that nothing came out of it.

Dewan's reply.—Noted.

24. The necessity for providing for the registration of all marriages.

Mr. K. Parameswaran Pillai B. A., B. L. (Member, T. I. C., Trivandrum) said that it would not be denied that marriage was an important event in the life of a man as also of society. If the number of births in a community indicated its growth and prosperity, the number of marriages, which gave rise to births, could not but be an even more important factor. From a social and economic point of view, the number and particulars of marriages taking place in the State from time to time should be watched and noted, and the only means of doing it was by means of registry of all marriages. The Member pointed out that there was no record of marriages in Travancore except among Christians. Marriages were very often questioned in courts of law, especially among the Nairs, Eazhavas and Mahomedans. He would not propose that registration of marriages should be made an essential element for the legal validity of a marriage; but a public record of marriages, kept regularly and in the ordinary course of business, would be very valuable as a means of supplying good and strong evidence, as in the case of births and deaths registers. He therefore pro-

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